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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 003790

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TAGS: [PGOV PHUM TH](#)

SUBJECT: ATTORNEY GENERAL SAYS: 'OFF WITH EVERYBODY'S HEAD!'

REF: A. BANGKOK 03745

[1](#)B. BANGKOK 3481

Classified By: Political Counselor Susan M. Sutton, reason 1.4 (b) (d)

[1](#)1. (C) SUMMARY: On June 27, the Attorney General Office voted to recommend the dissolution of TRT to the Constitutional Court, as expected. In a surprise move, it made the same recommendation on the Democrat Party and three microparties, acting overnight on the EC's Monday decision in those cases. Although the AG may be able to make a good case for its decision, there will probably be suspicions on several grounds: the AG needed 5 days to carefully consider the TRT case, but only a few hours to rule on the Democrats. The Attorney General was suddenly called in to meet Thaksin late Monday (to discuss the South, he says.) In any case, the issue is now in the hands of the Constitutional Court, which has tended to make decisions favorable to the PM. END SUMMARY.

[1](#)2. (SBU) The Office of the Attorney General recommended today that the Constitutional Court dissolve both Thai Rak Thai (TRT) and the Democrat Party, as well as three microparties implicated in the TRT election fraud case. The Attorney General decided the TRT case today, as it had promised last week. The surprise was the addition of the Democrat Party case and the microparties. The Election Commission announced late Monday that it would send the additional cases to the Attorney General that day. The Office of AG announced Tuesday afternoon that it would forward all the cases -- TRT, Democrat and microparties -- to the Constitutional Court, concurring with the EC that all had violated the Political Party law and should be dissolved. The details of the TRT case have been pretty well covered in the press (ref B). We still do not know all the details of the case against the Democrats and the microparties. The AG spokesman said the case against them concerned "violating the Constitution and carrying out actions deemed detrimental to democracy."

#### BACKGROUND ON THE DEMOCRAT CASE

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[1](#)3. (SBU) TRT filed a case with the EC against the Democrat Party last month. The accusations were that the election boycott and call for the King to appoint a Prime Minister were against the Constitution. Also, a minor member of the Democrat Party was accused of suborning one of the microparties to frame TRT. Thaikorn Polsuwan quit the Democrat Party in 1996 to form his own party, which failed. He rejoined the Democrats in March this year. After the election, he says he was approached by a member of one of the microparties who had been paid by TRT to run. The candidate was concerned about possible legal problems. Thaikorn told

the press that he was acting on his own when he tried to convince the candidate to testify against TRT. The candidate, however, had enlisted the police to have the discussion recorded, and that recording is part of the TRT case. Thaikorn claims that the VCD was doctored, and that, in any case, he was acting on his own. TRT accuses him of offering money to suborn false testimony on the instructions of Democrat Party leaders.

#### CREDIBILITY GAP

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14. (C) The AG may make a case that this is the first time that these provisions of the Political Party law have been invoked (REF A), and therefore it makes sense to have the Constitutional Court rule on all the cases that the EC has recommended for dissolution. However, they should expect to have a problem with the optics on this decision. In the case of TRT, the AG received the file last Thursday, and said that they needed several days to review the documentation. Yesterday, the EC suddenly announced that it was sending its recommendation to dissolve the Democrats to the AG that day, even while one of the leading members of the EC investigating subcommittee told the press that the investigation was not complete and could not be submitted. Then, Thaksin called in the Attorney General to meet with him late Monday. (The AG insisted that they discussed on problems about the South, nothing about the dissolution cases.) Finally, although the AG office needed 5 days to review the TRT file, they were ready to vote on the Democrat case overnight. Taken altogether, this simply does not look good.

#### COMMENT

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15. (C) The AG decision today lends credence to the theory that the fates of TRT and the Democrat Party are yoked together. The threat to both may be used to foster some kind of compromise solution, which is what many of our Thai interlocutors are expecting. The Constitutional Court may be able to look even-handed and impartial by determining that, in both cases, the fault is with individuals, and not with the party leadership, and therefore both parties should be spared. It will now all come down to the Constitutional Court -- which has consistently voted in ways favorable to PM Thaksin.

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